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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,086	12/11/2000	Charles Tresser	Y0920000598US1(13893)	3901
7590	04/06/2005		EXAMINER	
RICHARD L. CATANIA, ESQ SCULLY, SCOTT, MURPHY AND PRESSER 400 Garden City Plaza Garden City, NY 11530			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/734,086	TRESSER ET AL.
	Examiner	Art Unit
	Harish T Dass	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5, 7-8, 11, 13-14, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leighton et al (hereinafter Leighton – US 5,351,302) in view of Newswire "eOriginal Inc. Announces First Totally Electronic Consumer Mortgage Closings; Time to Close, Record and Deliver Mortgage to Investor Reduced from 45 days to 5 Hours" Business Wire, p1385, Oct 7, 1999 (hereinafter eOriginal).

Re. Claims 1, 7 and 13, Leighton substantially discloses the limitations of current application such as: creating digitally secure document using cryptography, concatenation of data strings, digital signature, etc [see the entire document particularly, Abstract; C1 L1 to C2 L16], creating titles for personal and real property, the title including (i) a message describing the title and how to contact the owner, and (ii) a digital signature of the owner [C1 L35-L68], the owner transferring ownership of the financial instrument to another person, including the steps of i) the owner appending to the title a public part of a signature scheme of said other person [C2 L51-L68], and ii) the owner signing the title using a public signature scheme of the owner [C2 L51-L68]. Leighton does not explicitly disclose a third party emitter issuing a title for a financial

instrument. However, eOriginal discloses this step [see entire document particularly] to deliver end-to-end electronic mortgage closing. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Leighton and include creating a title for a financial instrument (deed and mortgage instrument), as disclosed by eOriginal, to provide internet based mortgage closings with efficiencies which provide an opportunity to increase market share and revenue through cost reductions and new loan program structures.

Re. Claims 2, 8, 14, 20 Leighton discloses wherein the transferring step includes the step of the emitter (eOriginal) appending to the title a number indicating the number of successive owners of the title (ownership history) [C5 L13-L44].

Re. Claims 5, 11, & 17 Leighton discloses wherein, the creating step includes the step of using a secure cryptographic generator to create the title [C1 L35-L45; C3 L31 to C4 L14].

Re. Claim 19, Leighton discloses said signature scheme includes a private key and a public key; and the step of the owner signing the title includes the step of the owner using the public key of the signature scheme to encrypt the owner's signatures in the title [C1 L54 to C2 L16].

Re. Claim 20, Leighton discloses appending to the title a number indicating the number of successive owners of the title; and said other person using said private key of the

signature scheme to decrypt the owner's signatures and said number [C1 L54 to C2 L16; C2 L28-68; C4 L26-L68].

Claim 3-4, 9-10 & 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leighton and eOriginal as applied to claims 1, 7, 13 above, and further in view of Muftic (US 5,850,442).

Re. Claims 3-4, 9-10 & 15-16 Leighton discloses creating digital secure encrypted document (titles) using "public-key cryptosystem" [C1 L1 to C2 L16; C3 L31 to C4 L14]. Leighton or eOriginal does not explicitly disclose owner keeping the public part of the signature of the other person and making said public part available to potential subsequent buyers and comprising the step of sending the title, with the signature of the owner made using the public signature scheme of the owner, to said other person. However, Muftic discloses these steps [Abstract, Figures 17, 25-27; C1 L32 to C8 L7; C7 L32-L63; C7 L1-L5; C18 L35-L67] to conduct secure electronic commercial transaction over the network, which uses public key cryptography. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Leighton, eOriginal and Muftic to permit secure transaction to undertake world wide transparently over the Internet.

Claims 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leighton and eOriginal as applied to claims 5, 11, 17 above, and further in view of Arbaugh et al (US 6,185,678).

Re. Claims 6, 12 & 18 neither Leighton nor eOriginal explicitly discloses wherein the secure cryptographic generator is an IBM 4758. However, Arbaugh et al discloses this step to allow software and data to be transferred between computer system [C1 L20-67; C4 L33-L65; C7 L6-L27; C9 L11-60]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Leighton, eOriginal and Arbaugh et al to permit secure transaction to undertake over the Internet.

Response to Arguments

2. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

4/4/05


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600